

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-164
July 23, 2007

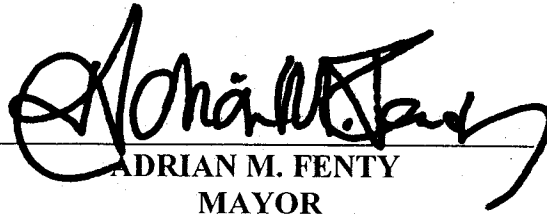
SUBJECT: Delegation to Allen Lew, of the Mayor's Authority under the Public Education Reform Amendment Act of 2007 relating to facilities.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2006 Repl.), and the Public Education Reform Amendment Act of 2007 (the "Reform Act"), effective June 12, 2007 (D.C. Act 17-38), it is hereby **ORDERED** that:

1. **DELEGATION OF AUTHORITY RELATING TO FACILITIES:** The Mayor delegates to Allen Lew, Director of the Office of Public Education Facilities Modernization all of the Mayor's authority under the Reform Act relating to facilities that are subject to contracts issued by D.C. Public Schools as of this date.
2. **DELEGATION OF CONTRACTING AUTHORITY:** The Mayor further delegates to Allen Lew authority to negotiate and execute contracts necessary to perform the functions and actions delegated to him pursuant to paragraph 1 above, including the authority to ratify relevant contracts.
3. **AUTHORITY TO SUBDELEGATE:** The Mayor further delegates to Allen Lew authority to subdelegate to subordinates any authority delegated under this Mayor's Order.
4. **RATIFICATION OF ACTS:** The Mayor hereby ratifies any acts taken by Allen Lew consistent with the purpose of this Mayor's Order and the authority delegated herein.
5. **EFFECT:** This Mayor's Order supersedes all previous Mayors' Orders to the extent of any inconsistency therein.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 12, 2007.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

Legal Counsel Division



MEMORANDUM

TO: Andrew T. "Chip" Richardson, III, Esq.
Deputy General Counsel
Executive Office of the Mayor

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: July 19, 2007

SUBJECT: Legal Sufficiency Review of Proposed Mayor's Order, "Delegation to Allen Lew, of the Mayor's Authority under the Public Education Reform Amendment Act of 2007" and Memorandum of Understanding (MOU) between the Office of Public Education Modernization and D.C. Public Schools (AM-07-507) (MID 206707)

At the request of the Mayor's General Counsel, this Office has reviewed the above-referenced Mayor's Order and MOU for legal sufficiency

The Mayor's Order was originally transmitted to this Office via e-mail on July 18, 2007. As written, it delegated the Mayor's authority, including contracting authority, pertaining to school repair, renovation, rehabilitation, construction and reconstruction to Allen Lew, Director of the Office of Public Education Modernization (OFM). This Mayor's Order was substantially revised to reflect discussions with and among the Office of the Chief Financial Officer (OCFO), the Attorney General, you, Mr. Nickles, and myself, and was resubmitted to this Office on July 19. The revised Mayor's order limits the delegation of authority to only those contracts that were issued by DCPS following the enactment of the School Reform Amendment Act through today, and provides for the ratification of those contracts. In conducting the review of the revised Mayor's Order, this Office consulted with Mr. Charles Barbera, OCFO, and has relied upon his approval, particularly as it relates to contract ratification.

The MOU between DCPS and OFM was transmitted to this Office via e-mail on July 19, 2007. It will allow OFM to provide DCPS with assistance in repairing, renovating, rehabilitating, constructing and reconstructing D.C. public school buildings and facilities through the end of this fiscal year. It also provides for the transfer of funds for those purposes from DCPS to OFM.

The Mayor's Order and the MOU are legally sufficient with minor technical changes already incorporated into both documents.

If you have any questions regarding this memorandum please contact Theresa Cusick, Legal Counsel Division, at 724-5537, or me at 724-5524.

WCW/tac

Attachment

cc: Linda Singer, Attorney General
Betsy Miller, Chief of Staff